

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In re:)	
)	PROMESA
THE FINANCIAL OVERSIGHT AND)	Title III
MANAGEMENT BOARD FOR PUERTO RICO,)	
)	No. 17 BK 3283-LTS
as representative of)	
)	(Jointly Administered)
THE COMMONWEALTH OF PUERTO RICO,)	
<i>et al.</i> ,)	This filing relates to the
)	Commonwealth
Debtors.)	
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**OPPOSITION OF CREDITORS ARIEL FERDMAN AND FE-RI
CONSTRUCTION, INC., TO ENTRY OF ORDER ON FIFTY-SIXTH
OMNIBUS OBJECTION (NON-SUBSTANTIVE) OF THE COMMONWEALTH
OF PUERTO RICO TO DUPLICATE BOND CLAIMS;
AND MOTION CRAVING OYER**

**TO: The Honorable Laura Taylor Swain,
United States Bankruptcy Judge**

COME NOW creditors ARIEL FERDMAN (hereafter, “**Ferdman**”) and FE-RI CONSTRUCTION, INC. (hereafter, “**Fe-Ri**”), the holders, respectively, of Claim Nos. 74279 and 79940, in the amounts of \$104,333.30 and \$260,833.26, respectively, both filed on June 28, 2018 (hereafter, “**Ferdman’s Claim**” and “**Fe-Ri’s Claim**”), and very respectfully oppose the FIFTY-SIXTH OMNIBUS OBJECTION (NON-SUBSTANTIVE) OF THE COMMONWEALTH OF PUERTO RICO TO DUPLICATE BOND CLAIMS [Docket No. 7286 (hereafter, the “**Commonwealth**” and the “**Commonwealth’s Motion**”)], and crave oyer of the documents which the Commonwealth alleges support the Commonwealth’s Motion with respect to the duplication of Ferdman’s Claim and FE-RI’s Claim, and in support of this Opposition and

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their Motion Craving Oyer, Ariel Ferdman and Fe-Ri Construction, Inc., very respectfully state, allege, and request as follows.

1. Ferdman purchased One Hundred Thousand Dollars (\$100,000.00) of General Obligation Bonds of the Commonwealth of Puerto Rico, which are currently valued at \$104,333.30, as indicated in Exhibit A to the Commonwealth's Motion (titled: "Schedule of Claims Subject to the Fifty-Sixth Omnibus Objection"), at ¶ 79 (hereafter, "**Exhibit A**").

2. Fe-Ri purchased Two Hundred Thousand Dollars (\$250,000.00) of General Obligation Bonds of the Commonwealth of Puerto Rico, which are currently valued at \$260,833.26, as indicated in Exhibit A to the Commonwealth's Motion, at ¶ 80.

3. The background of the instant bankruptcy proceedings of the Commonwealth are detailed in the Commonwealth's Motion.

4. According to Exhibit A to the Commonwealth's Motion, at ¶79, Ferdman filed Ferdman's Claim (which was filed through the Prime Clerk System) on June 28, 2018, and it is CLAIM # 74279, in the amount \$104,333.30.

5. According to Exhibit A to the Commonwealth's Motion, at ¶80, Fe-Ri filed Fe-Ri's Claim (which was filed through the Prime Clerk System) on June 28, 2018, and it is CLAIM # 79940, in the amount of \$260,833.26.

6. In the Commonwealth's Motion, at page 16, ¶ 28: "The Fifty-Sixth Omnibus Objection seeks to disallow, in accordance with Federal Rule of Bankruptcy Procedure 3007(d)(1) and the Omnibus Objection Procedures, duplicate bond claims."

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7. In the Commonwealth's Motion, at page 16, ¶ 29, the Commonwealth claims, *inter alia*, that:

Each claim identified in **Exhibit A** hereto (the "Duplicate Bond Claims") purports to assert liability against the Commonwealth associated with one or more bonds that is duplicative of one or more Master Claims, which as described above were filed in the Commonwealth Title III Case by the fiscal agent and/or trustee for certain bonds issues by AFICA, the Children's Trust, ERS, HFA, HTA, PRASA, PBA, PRCCDA, PRIDCO, PRIFA, PRPFCCA, PRMFA, and UPR. As a result, the Duplicate Bond Claims should be disallowed in their entirety.

8. Neither Ferdman nor Fe-Ri has received from any source evidence that "Master Claims, which as described above were filed in the Commonwealth Title III case by the fiscal agent and/or trustee for certain bonds issued ...[]" included either Ferdman's Claim or Fe-Ri's Claim.

9. If this Honorable Court grants the Proposed Order included as **Exhibit D** to the Commonwealth's Motion, Ferdman and Fe-Ri will be severely prejudiced and their respective Claims dismissed without their ever having received any evidence that their Claims were filed as set forth in ¶ 29 of the Commonwealth's Motion, as set forth in ¶ 7 above.

WHEREFORE, creditors Ariel Ferdman and Fe-Ri Construction, Inc., very respectfully CRAVE OYER of the evidence in the possession of the Commonwealth that Ferdman's Claim and Fe-Ri's Claim were filed as alleged by the Commonwealth in ¶ 29 of the Commonwealth's Motion, and, until it has been conclusively demonstrated that Ferdman's Claim and Fe-Ri's Claim were, in fact, filed as alleged therein, to DENY the Commonwealth's Motion insofar as it covers Ferdman and Fe-Ri.

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Respectfully submitted in San Juan, Puerto Rico, on July 9, 2019.

IT IS HEREBY CERTIFIED that on this date the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the US Trustee and all participants of CM/EMF.

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